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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,404	10/15/2003	Todd Snell	4012M	6833

7590 04/01/2005

S. Michael Bender
P.O. Box 530399
St. Petersburg, FL 33747

EXAMINER

WOOD, KIMBERLY T

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/686,404

Applicant(s)

SNELL, TODD

Examiner

Kimberly T. Wood

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/15/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Attached Figures

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This is an office action for serial number 10/686,404, entitled Gutter Cover Hanger Apparatus, filed on October 15, 2003.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly

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or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1 and 4-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Richard 6,732,477. Richard discloses a gutter cover hanger apparatus (figure 11) comprising a bottom-located support structure (11 including 75), a gutter engagement portion being L-shaped (near arrow for 6), a gutter cover engagement portion convex front end (near arrow for 1) , a cover (see attached figure), a support-fastener reception portion (column 6, lines 62ff) with fastener reception channel (87 or 148), a reinforcement means (37 and 39) comprising at least one transverse rib member extending between said bottom located support structure and said gutter cover engagement portion, or a plurality of transverse members wherein one rib is at a first angle, and the other rib is at a second angle.

Claims 3-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Knudson 5,845,435. Knudson discloses

a gutter cover hanger apparatus comprising a bottom-located support structure (29 or 132), a gutter engagement portion (34, 54, and 55 or 141, 134, and 138)), a gutter cover engagement portion including a convex front end (33 or near 135), a cover

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(19 or 99), a support-fastener reception portion (43 or 133), a reinforcement means (147, figures 8-11) being a transverse rib member extending between said bottom located support structure and said gutter cover engagement portion.

Claims 1, 3-8, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Morandin et al. (Morandin) 5,617,678. Morandin discloses a gutter cover hanger apparatus (figure 1)) comprising a bottom-located support structure (26)), a gutter engagement portion being L-shaped (30), a gutter cover engagement portion convex front end (52 and 50 front end) , a cover (54), a support-fastener reception portion (column 6, lines 62ff), a reinforcement means comprising at a central transverse web member (44 and 42) extending commonly through said bottom-located support structure and at least said gutter cover engagement portion.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this

Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the

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art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richard 6,732,477, as discussed above, in view of Corry 5,004,191. Richard discloses all of the limitations of the claimed invention except for the fastener-reception channel extending downwardly and rearwardly obliquely with respect to the bottom-located support structure or the fastener-reception portion extends upwardly and rearwardly obliquely with respect to said bottom-located support structure. Corry teaches that it is known to have a fastener-reception channel (120) extending downwardly and rearwardly obliquely with respect to the bottom-located support structure and the fastener-reception portion (opposite 114) extends upwardly and rearwardly obliquely with respect to said bottom-located support structure. It would have been obvious to one having ordinary skill in the art to have modified Richard to have included the a fastener-reception channel extending downwardly and rearwardly obliquely with respect to the bottom-located support structure and the fastener-reception portion extends upwardly and rearwardly obliquely with respect to said bottom-located support structure as taught by Corry for the purpose of preventing the hanger from being accidentally detached from the gutter providing such an

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angled channel and fastener reception portion results in a more securely mounted hanger.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richard 6,732,477 in view of Morandin 5,617,678, as discussed above. Richard discloses all of the limitations except for the central transverse web member. It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Richard to have included the transverse web member as taught by Morandin for the purpose of stiffening or reinforcement.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richard in view of Morandin, as discussed above, and in further view of Cunning 4,272,370. Richard in view of Morandin discloses all of the limitations of the claimed invention except for the central web for the gutter engagement portion. Cunning teaches that it is known to have a central web extending from the bottom located support structure to the gutter engagement portion (see attached figure). It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Richard in view of Morandin to have included the transverse web member as taught by Cunning for the purpose of stiffening or reinforcement.

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Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morandin, as discussed above, and in further view of Cunning 4,272,370. Morandin discloses all of the limitations of the claimed invention except for the central web for the gutter engagement portion. Cunning teaches that it is known to have a central web extending from the bottom located support structure to the gutter engagement portion (see attached figure). It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Morandin to have included the transverse web member to the gutter engagement portion as taught by Cunning for the purpose of stiffening or reinforcement.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art discloses conventional gutter hangers.

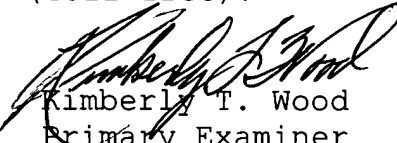
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly T. Wood whose telephone number is 703-308-0539. The examiner can normally be reached on Monday-Thursday 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be

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reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kimberly T. Wood
Primary Examiner
Art Unit 3632

March 20, 2005

FIG 1

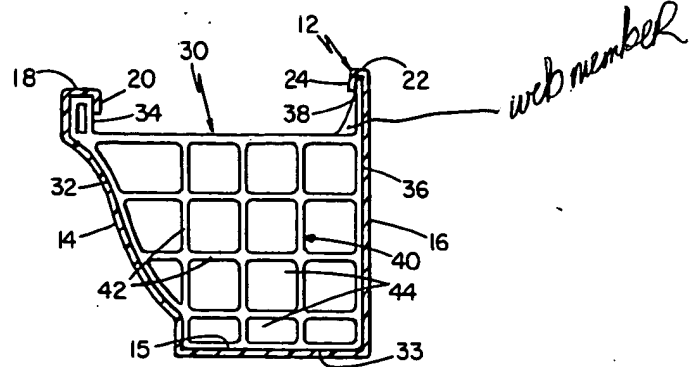


FIG 3

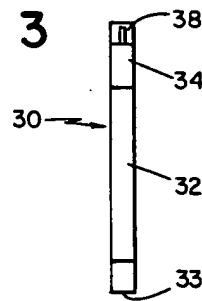


FIG 4

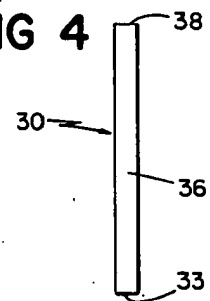


FIG 2

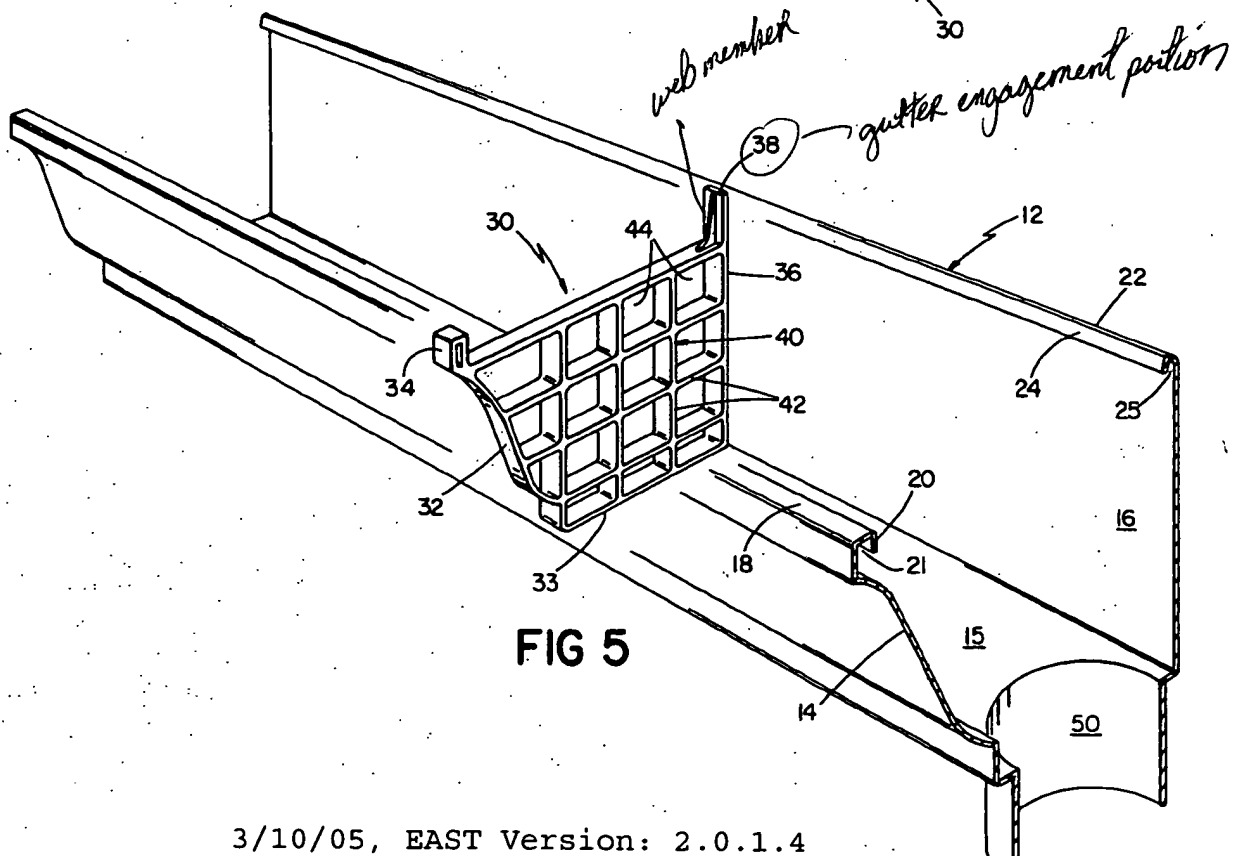
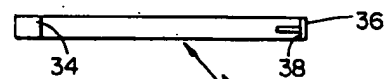


FIG 5